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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,537	11/20/2003	Kentaro Yokoi	009270-0306811	5242

909 7590 02/06/2008  
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EXAMINER

AKHAVANNIK, HADI

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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02/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/716,537

Applicant(s)

YOKOI, KENTARO

Examiner

Hadi Akhavannik

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/21/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-5 and 10-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-5 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui et al. (5982912, referred to as "Fukui" herein) in view of Yasuda et al. (5040213, referred to as "Yasuda" herein).

Regarding claim 1, Fukui discloses an individual recognizing apparatus comprising: a data acquisition unit to acquire a plurality of certifying data from a recognized individual; a detection unit to detect feature points from the plurality of certifying data acquired by the data acquisition unit (see column 3 lines 40-55 for an input apparatus and lines 55 to column 4 line 13 discloses a plurality of features extraction step);

A change calculation unit to calculate the change in position of the feature points detected from the plurality of certifying data by the detection unit (column 4 lines 13-19

and column 5 lines 48-61 discloses calculation the location or position of the feature sets)

an aptitude judging unit to judge whether the plurality of certifying data acquired by the data acquisition unit are appropriate for the preparation of a certifying dictionary based on the change in the feature points calculated by the change calculation unit, the plurality of certifying data being judged inappropriate if the change in feature points is above and/or below at least one threshold value (see column 4 lines 20-34 and column 6 lines 19-33 which has a pattern evaluation section which examines the position of the features to determine if they are a correct set. The system picks the best feature set and therefore there is a threshold);

and a certifying unit to certify whether a recognized person is a proper person using the certifying data acquired by the data acquisition unit and the one or more certifying data in the dictionary stored in the dictionary storing unit (see column 4 lines 36-44 which discloses evaluating the data) .

Fukui does not explicitly disclose a dictionary preparing unit to prepare a certifying dictionary with one or more certifying data of the plurality of certifying data that are judged by the appropriate aptitude judging unit and dictionary storing unit to store the certifying dictionary prepared by the dictionary preparing unit.

Yasuada discloses this feature in figures 1-2 and column 1 lines 45-62.

It would have been obvious at the time of the invention to one of ordinary skill in the art to include in Fukui a dictionary updating certifying unit as taught by Yasuda. The

reason for the combination is because it makes for a more robust system that is able to update its database at a higher confidence level.

Regarding claim 2, Fukui discloses calculating the angle changes in column 5 lines 54-60).

Regarding claim 3, the rejection of claim 1 discloses that the data is face images.

Regarding claim 4, Tatsumi discloses finding eyes in the rejection of claim 1 and 2

Regarding claim 5, the examiner takes official notice that it would have been exceedingly obvious at the time of the invention to one of ordinary skill in the art to include in Fukui and Yasuada a means restart the evaluation with the data is judged to be inappropriate. The reason is because it is well known to create a loop in the system when attempting to detect faces within an image.

Regarding claim 10-14, these are the method claims of claims 1-5 and the rejection of claim 1-5 disclose all aspects of claim 10-14.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kado et al. (5995639, discloses feature point extraction for verifying an individual).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Akhavannik whose telephone number is 571-272-8622. The examiner can normally be reached on 10:30-7:00.

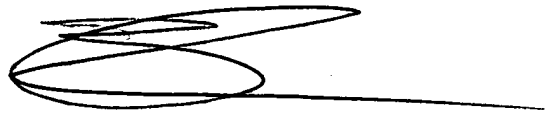
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian P. Werner can be reached on 517-272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/716,537  
Art Unit: 2624

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HA  
1/25/08

A handwritten signature in black ink, consisting of a stylized 'B' followed by a horizontal line extending to the right.

**BRIAN WERNER**  
**SUPERVISORY PATENT EXAMINER**